

External Comments On Performance Track - 2002

From Salt Lake Valley Health EQAC (January, 2002)

The group seemed positively interested in the concept - but not surprisingly there was a little skepticism about whether or not this would really come to be. Key things we were asked to keep in mind

- Mayor Seghini said if air pollution is reduced as a result of voluntary participation in Performance Track, credits should be retired rather than banked and resold. The thinking here was that pollution was not truly reduced otherwise - just displaced.

- Paula Dougherty from Kennecott was interested in self-audit. She said her company was not afraid of doing an audit and finding and correcting problems within a set timeframe. She felt that a "white hat" approach for this concept was good.

- Jim Olson suggested that we educate associations and highlight companies who are participating and the successes they are having. Then, make those companies champions for the program. We discussed how much more effective - credible - it was to have others carry your message. Jim is also interested in learning more about the current self-audit provision and I suggested he talk to Brent.

- Ted Sonneburg wanted to know how compliance would be verified and wanted to make sure that participants were really "good actors"

- Several expressed concerns about coordination with other environmental regulatory agencies and wanted to make sure EPA bought into what we develop so that we did not say okay to something and then have EPA come in and say not okay and bring an enforcement action.

- It was suggested that we make sure the federal facilities are made aware of the proposal and have a chance to comment.

The group indicated they liked the concept and would like to be kept in the loop as things are finalized.

From Utah Manufacturers Association - UMA (August 20)

- How will confidential business information be handled?

- Will need a memorandum of understanding with EPA on enforcement issues and reduced oversight, as they relate to Utah's Performance Track-type program.

- Be careful with the use of the Public Interest group as screeners. You don't want to create a situation where a special interest group can block an application for political reasons. Keep this process simple, follow a set procedure, and try to keep the politics out of it as much as possible.

- Change the name of "Environmental Heroes"

- Make sure that the State and Feds interpretation of compliance are in alignment.

- Concern with use of self-audit as a Performance Track tool. There needs to be protection in the future for disclosed information. There needs to be a binding instrument.
- There will be some paranoia and reluctance to participate with from businesses that are not currently on the EPA radar screen.
- Keep the EPA process separate for those businesses that are not interested in the national program. For those who are interested in applying to both, one application would be nice.
- Build in a way for an appeal. (This was Tom's earlier comment and the group dealt with this by stating that "if the recommendation is no, then applicant needs to be informed why and what needs to be fixed to allow entry.")
- Find a way to get to the CEOs of companies rather than the environmental consultants who were at the meetings. Public recognition as an environmentally friendly organization would be a big plus for many of the larger organizations.

From Salt Lake Valley Health (Rhonda Thiele)

- Is very interested in finding a way to partner with DEQ on this program for some of the facilities that she works with.

From Brad Overmoe (Owner Of Red Hanger Cleaners) - Sept. 4

- The technical assistance "turbo tax"-type EMS package would be very beneficial to the small business. Feeling is that simply going this far would show the business how to save money and would help with pollution prevention/reduction.
- The number of years without criminal violations should be increased to five years, to be consistent with the feds.
- Since many of the small businesses are just under requirements to have permits, many of the incentives would not apply. However, he was very interested in the annual meeting with DEQ policy leaders and publicity.
- Name of the program should reflect something about Utah. He liked Idaho's Gemstars, Clean Texas, and New Mexico's Green Zia. (However, he would be careful with the word "green" and other words that might make this seem like an extreme, environmentalist program to business. He didn't have an issue with this personally but felt that it might be one for some businesses we might hope to target.)

From Air Board - Sept. 4

- Liked the idea of public recognition.
- Suggested the ability to start with a specific plant or site for those operations with multi-sites. Would be easier for the company to tackle.
- Regarding permitting incentives - Delays and uncertainties are the biggest concern to industry. Anything that could be done to help this would be appreciated.
- Consider one incentive being the ability to somehow start construction without all the permits in place. Because of costs associated with timing on the business side of the coin, the energy situation was a mess.
- Send e-mail out to key stakeholders letting them know about what is being discussed. This way the proposal can be routed to "people of interest" to get their support.

From Pacificorp (Ernst E. Wessman) - Sept. 4

- Would like the ability to apply portions of a company - for example, a given plant - as opposed to having the company as a whole need to apply. For larger operations, it will be easier to bring in a plant at a time.
- His parent company, Scottish Power, is very interested in environmental recognition.
- Is supportive of the program - with the hope that it will hold down rising permit and other costs. (The thought here is that if less time needs to be spent in compliance areas, maybe there could be a savings, the resources reallocated and the need for fees to rise reduced or eliminated). Anything that can be done to streamline the process would be greatly appreciated.

From A University Of Utah Student - Via E-Mail Sept. 4

My name is Gauri Seshadri and I am a graduate student at the University of Utah. I have been following the Performance Track that you are developing for the Utah Department of Environmental Quality. I think the present draft that you have come up with is really good and addresses almost all the possible environmental issues. I however think that there are certain issues that need to be addressed on the draft.

One of the suggestions for Transport Management is Clean Fuels and Technology. Replacing a gasoline or diesel fueled vehicle with an electric vehicle or one with fuel cells certainly helps in eliminating a significant amount of atmospheric pollution. However, this requires considerable amount of money (A Hybrid vehicle costs around \$ 20,000) and effort. Recycling paper on the other hand does help in environmental improvement but implementing this scheme requires considerably lesser amount of money and effort.

The Performance Track draft however, gives the same weightage to both the schemes i.e. 2 points each. I really don't think that this is a fair decision. In addition, the draft does not provide any answers as to how much paper needs to be recycled in order to earn the 2 points. The same holds good for the Energy Conservation category (Renewable energy, Greenhouse gases etc.). Unless and until the proper weightage is given to these categories, Industries will improve their performance track record by implementing the cheapest and simplest schemes.

Gauri Seshadri, Research Assistant - Dept. of Chemical and Fuels Engineering
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From The Utah Farm Bureau (Mark Peterson) - Sept. 5

- He was very interested in the development and marketing of a logo. He thought there would be good participation if there were a recognizable symbol that indicated to the public that the business, industry or farm operation was environmentally friendly.
- He is very much in favor of the development of the EMS "turbo-tax-type" CD. He felt that would be used by many.
- He felt that the work done earlier on the Blue Label could be easily rolled up into this.

- He will review the information and provide additional comments. We may be invited to address his Board.

Phone Call from Kent Bradford - Western Zirconium - Sept. 6

He had seen the information on the Solid and Hazardous Waste Board Agenda and wanted to know more. He is familiar with the national program and would like to participate in this one when it is up and running. I referred him to the web site and asked him to let us know what he thought. He is also planning to attend the SHW Board meeting. He later called back and asked to be included on the mailing list.

From the Solid and Hazardous Waste Board - Sept. 12

No direct comments. Board seemed supportive.

From Craig Dearing, West Jordan Chamber of Commerce - Sept. 17

Is supportive of anything that brings recognition to business. Knows of several industries that might be interested - including Fairchild and Southwire. He will pass the information along to his Industry committee.

From Chris Dallin, Davis Chamber of Commerce - Sept. 24

He was very interested in the program, took additional copies of the packet and indicated that he knew of several members he thought would be interested. He liked the proactive approach. He asked to be kept informed and said he would help get information out.

From the Local Health Officers Association - Sept. 26

Bruce Slater made the presentation. His feedback: As I mentioned to you, I did not have an official spot on the agenda but knew they would work me in which they did right after lunch. I think I covered most of the items you had outlined for me. Our objective is to reduce or prevent pollution. Program still in draft form. Applies to anyone who has a DEQ permit. No money for participation. This given as a heads up, but would like their input and feedback. As I mentioned I did neglect to tell them that Rhonda Theile from SLVHD was participating on the committee. Group seemed interested. Asked some clarifying questions. Gary Edwards asked about Used Oil program. If someone qualified, would that allow for reduced inspections? I told him that I could not respond to specific program applications, but I would inquire and let him know. Craig Henninger, Weber-Morgan, clarified that the Department had not officially adopted the final program as yet. He asked that I present to CLEHA and his Environmental Director, as he wanted him to hear it, but felt he could not present adequately I what I had just given to them.

From AGC - October 10, 2002

Marv, Renette and Rhonda Thiele visited with 15 members of this association. There comments were:

- They are big on recognition. They liked the idea of press releases, logos - anything they can use to then turn around and market the fact that they are one of the good guys.
- They were interested in the EMS CD suggested and wondered if it would be available to others in addition to the small companies.
- One person admitted some discomfort if DEQ were to review their EMS in great detail. There may be information in there a company doesn't want DEQ to know but not including it would not make the EMS as helpful as it might be. (Recognize that this comment was made after quickly reviewing the EMS key elements sheet and talking about the fact that ISO14001 would be an example of an EMS. It was quickly followed by the next comment, which may put this in perspective)
- Once the program is developed, DEQ should host a workshop for industry and others to overview what the program is, how to apply, what an EMS is and how to do one, and to provide an opportunity to have questions answered.
- They felt there should be no cost to the participant to apply to or to have the project reviewed. Cost would be a disincentive.
- They would like to have a representative participate in the remainder of the workgroup process.
- Less inspections would be an incentive.
- In general (not just for PT participants), courtesy inspections would be helpful. The discussion here was around how stressful inspections were, how some things were admittedly hidden from inspections, and how much more helpful it would be for everyone if there were a way to have someone come out and help them understand how they are doing and what they could do to make things better without having to worry about being written up as a result of asking for this type of help.

After the meeting, we received the following e-mail:

Thank you for your presentation today with the AGC group - re: proposed performance track-style program. Very informative.

Couple of thoughts:

1. Mike Forrest will contact you about the NAPA Diamond Achievement Award. This is a national award recognizing asphalt facilities that meet the NAPA criteria for

excellence. They have a full application, etc., and may be useful as a similar example for DEQ's upcoming program. They may also be able to give you an idea of administrative time, costs, etc. If you have any questions from a users standpoint, I am available. We've been in the program for 2 years.

By the way, NAPA's recognition program did provide for some "goodies" - stickers, drafted press release we could submit, etc. However, when it came to costly items - we had no problem paying for them. Successful participants were allowed to purchase plaques at a cost of \$250.00 each - to the participant. Should we be successful in DEQ's program, I'm sure we'd be happy to buy our own plaques in that instance as well.

2. We talked amongst ourselves after you left. There was some confusion as to the cost of the program to the participants. We all heard that there would not be an application fee, but we did not know if there was a cost for the reviewing of the application or checking compliance. Your thoughts?

3. Possible Incentives/Benefits for participants: You mentioned the possibility of expedited permits, or at least putting a participants application ahead in the workload of the permitting staff. Which tier would that be in?

Other possible incentives/benefits we discussed after you'd left:

Preferred supplier for state and municipalities. We don't know what kind of influence you would have in making this a "requirement" for the state or the local municipalities. However, this would be a BIG carrot for all of us. At the very least, we request that you think about directing some of the PR efforts of the program to make sure the program and successful program participants get recognized in such a way that the local municipalities are aware of our efforts and commitment.

4. Relationships: One of the benefits as a participant in this program is the relationship with DEQ while partnering environmental responsibility. This relationship must include the permitting AND compliance department staff members. It is these folks that we deal with every day on every air quality issue. They are DEQ's "street-level" ambassadors that reflect the attitudes and commitments of DEQ to the public, including those of us in industry. If the time and effort the program participants put into the performance track-style program are recognized by these folks, as well as enhance our relationships, then the program will be a success. Without their involvement, and or support, the feedback we may get is that the program is not worth our time and effort. So - please design them into the loop.

5. Lastly. Our group was a little concerned that we had not heard anything about this program earlier. AGC has over 800 industry and industry-related members. Our many councils are VERY active in all aspects of our industry, including environmental regulation and compliance. Please do not hesitate to contact us in the future to assist on any of your projects that may impact our industries. We are more than happy to assist you in all related endeavors.

Good luck with finalizing this endeavor. I look forward to hearing more about this program in the near future.

Mystère Sapia
Granite Construction Company - Utah Operations

From Lee Peacock - October 10

Rhonda Theile and Renette met with Lee. He was positive about the overall idea and indicated that he would like to talk more about it to workgroup members Tom Bingham and John Hadley to get their perspective. He felt the biggest incentive to his industries would be the reduced oversight. He liked the idea of a workshop to explain program and how it worked. He said industry would be willing to participate if there was something in it for them.

He suggested that we speak with Gene Inglesby.

From Intermountain Fabricare (Dry Cleaners) - October 17

Renette and Rhonda Thiele met with Sharon Dutcher (Faye's Dry Cleaning in Layton) and Richard Reese (Your Valet in Ogden). They were very interested in the idea - especially the EMS CD and the possibility of recognition for doing things that were good for the environment. Sharon is concerned about how difficult it is for a small business to know what requirements they are to meet. I gave her information on our small business assistance program and our compliance advisory panel. She had just received a copy of the compliance calendar Ron Reece had mailed out and liked it. She wanted to know if there was a checklist she could pass onto her members to help them understand what requirements they are to meet. If there isn't one in existence, could we help her develop one? She has a newsletter that she puts out six times a year. She would like to put an article on Performance Track in her next edition -which will go out at the end of the year. She said any information we wanted to pass onto her to put in the newsletter, she would be happy to receive. She is also planning a "Town Meeting" for dry cleaners where they could get together and discuss issues and share innovations and ideas. She is planning this for about January and wondered if the Department would send someone to talk to them about environmental regulations. She felt that most dry cleaners wanted to be good citizens and some would be definitely interested in recognition for doing good things for the environment. Richard said he had just changed his process from perc to a silicone product called Good Earth. He wanted to know if there were any regulations he would need to follow with the change. He gave us the MSDS sheet for the product. I passed it on to Ron Reece. Rhonda also took a copy to check into it and wanted to discuss it with Scott Hopkins when she met with him on another issue.

Others Contacted

- All attendees at the original stakeholder meeting who left their e-mail address received a packet.

- Small Business Compliance Advisory Panel has been briefed several times
- Water Quality Board - Briefed October 18
- Provo/Orem Chamber of Commerce - Called, packet e-mailed
- Ogden/Weber Chamber of Commerce - Called, packet e-mailed
- Environmental Health Directors, Local Health Departments - Packet e-mailed